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February 5, 2002



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FILE: UTSK:348US

## CERTIFICATE OF MAILING 37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on the date below:

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Mark B. Wilson

**BOX MISSING PARTS**  
Commissioner for Patents  
Washington, DC 20231

RE: *U.S. Patent Application No. 09/877,794 entitled "METHODS AND COMPOSITIONS FOR DETECTION, DIAGNOSIS AND PREDICTION OF ANTIESTROGEN-RESISTANT BREAST CANCER" - Suzanne A. W. Fuqua et al. (Client reference: UTHSC/SA:348)*

Sir:

Please find enclosed:

- (1) A Response to Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b) mailed August 9, 2001;
- (2) Declaration;
- (3) Power of Attorney;
- (4) Request for Extension of Time;
- (5) Copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b)-Filing Date Granted;
- (6) Information Disclosure Statement;

Commissioner for Patents  
February 5, 2002  
Page 2

- (7) Form PTO-1449;
- (8) References C1-C25;
- (9) Check in the amount of \$822.00 and \$720.00; and
- (10) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/10105009/MBW.

Respectfully submitted,



Mark B. Wilson  
Reg. No. 37,259

MBW/mar  
Encl: as noted

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Suzanne A. W. Fuqua et al.

Serial No.: 09/877,794

Filed: June 8, 2001

For: METHODS AND COMPOSITIONS FOR  
DETECTION, DIAGNOSIS AND  
PREDICTION OF ANTIESTROGEN-  
RESISTANT BREAST CANCER



Group Art Unit: 1646

Examiner: Unknown

Atty. Dkt. No.: UTSK:348US/MBW

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February 5, 2002

Date

Mark B. Wilson

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION FILED UNDER 37 C.F.R. 1.53(b)**

**BOX MISSING PARTS**  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application Under 37 C.F.R. § 1.53(b), dated August 9, 2001, there are enclosed herewith:

- (a) Declaration executed on behalf of Suzanne A. W. Fuqua, William Friedrichs, C. Kent Osborne, Sue Hilsenbeck and Rachel Schiff;
- (b) A Power of Attorney on behalf of Board of Regents, The University of Texas System;

Repln. Ref: 02/28/2002 NMOHAMM1 0016483400  
DA#501212 Name/Number:09877794  
FC: 704 \$720.00 CR

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- (c) Our check in the amount of \$822.00 to cover the basic filing fee (\$370.00 - utility small entity); surcharge for late filing (\$65.00); additional claims fee (\$387.00);
- (d) Our check in the amount of \$720.00 for a four month extension of time fee;
- (e) A copy of Notice to File Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. 1.53(b)-Filing Date Granted; and
- (f) A Request for Extension of Time of four months to and including February 9, 2002.

Should such request be absent, consider this such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

Applicants note that the Notice to File Missing Parts includes a requirement to comply with the requirements of 37 C.F.R. 1.821-1.825 for lack of submission of a "Sequence Listing." In response, Applicants respectfully traverse and note that the application **does not contain nucleotide and/or amino acid sequence disclosures pursuant to 37 C.F.R. §1.821(a)**. As such, no sequence listing is required and it is believed that the requirement to submit a Sequence Listing is now moot.

An Assignment to Board of Regents, The University of Texas System and a check for \$40.00 are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/10105009/MBW.

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600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. B. Wilson".

Mark B. Wilson  
Reg. No. 37,259  
Attorney for Applicants

Date: February 5, 2002

#3



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/877,794	06/08/2001	Suzanne Fuqua	UTSK:348US/MBW

**CONFIRMATION NO. 5270**

**FORMALITIES LETTER**



\*OC000000006401814\*

Mark B. Wilson  
FULBRIGHT & JAWORSKI L.L.P.  
Suite 2400  
600 Congress Avenue  
Austin, TX 78701

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Date Mailed: 08/09/2001



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

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*D*  
*R*  
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*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE